

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 16-21971-GLT
Derrik Anthony Kuhns : Chapter: 13
Staci Ann Kuhns :
Debtor(s). : Date: 6/14/2017
: Time: 10:30

FILED

JUN 14 2017

PROCEEDING MEMO

**CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA**

MATTER: #146 - Motion to Sell Property Free and Clear of Liens (102 Campbell Avenue)

#156 - Response by Chapter 13 Trustee

#157 - Proof of Publication in Legal Journal & Newspaper of General Circulation

APPEARANCES:

Debtor: Matthew R. Schimizzi (Ms. Kuhns present)
Trustee: Richard Bedford
LSF9 Jeremy Kobeski

NOTES:

Schmizzi - Motion to sell property at 102 Campbell Avenue in Connellsville/Fayette County. Property titled in name of LLC. Potential purchaser is Kevin Burkholder. \$1,000 hand money deposit. Sale contingent on First Commonwealth releasing the property of a mortgage. Property in Blairsville also subject to the mortgage. Sale of properties should pay First Citizens in full. Published in Fayette Legal Journal and the Herald. Posted on EASI. Sale proceeds are not being disbursed from the trustee. Questions the trustee's fees since the trustee is not distributing the funds at closing.

Bedford - \$408.68 in trustee fees are requested. Settlement agent is disbursing funds on behalf of the trustee.

Court - Judge Böhm issued an order regarding entitlement to trustee fees when a secured creditor is paid at closing.

Bedford - Order based upon the facts of that certain case.

Schmizzi - Language intended excess proceeds to be paid to the trustee. No opposing payment of the trustee fee due to the minimal amount but was questioning the trustee's entitlement to that fee.

Court exposes property at 102 Campbell Avenue, Connellsville, PA for sale. No higher/better offers. Sale approved to Kevin Burkholder at a purchase price of \$14,000.

OUTCOME:

1. Sale Order to be issued. O/E.

DATED: 6/14/2017